

**ROBINS ■ KAPLAN LLP**

800 LASALLE AVENUE  
SUITE 2800  
MINNEAPOLIS MN 55402

612 349 8500 TEL  
612 339 4181 FAX  
ROBINSKAPLAN.COM

ROBERT BENNETT  
612 349 8742 TEL  
RBENNETT@ROBINSKAPLAN.COM

January 20, 2021

Hon. Ann D. Montgomery  
United States District Judge  
U.S. District Court, District of Minnesota  
13W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

RE: *Ethan Marks v. John Doe 1 et al.*, Civ. No. 20-1913 (ADM/ECW)  
Our File No. 129929.0000

Dear Judge Montgomery:

I represent Plaintiff Ethan Marks in the above-referenced matter, which is scheduled for a hearing on January 28, 2021, on Defendants City of Minneapolis and Chief Medaria Arradondo's Motion to Dismiss. Pursuant to instructions from your courtroom deputy Lynn Holden, I write to request permission to submit supplemental authority in connection with the Motion.

On January 13, 2021 – after briefing on the Motion to Dismiss was complete – the New England Journal of Medicine published an article entitled *Injuries From Less-Lethal Weapons During the George Floyd Protests in Minneapolis*. The article describes a retrospective analysis of more than 6,000 medical records from the weeks following George Floyd's death and notes that the vast majority of persons struck by "less-lethal" projectiles, like Ethan, were hit in places prohibited by the Minneapolis Police Department's own policies concerning such weapons, such as the head, face, or neck. The study is particularly pertinent to the subject matter of this case and to the continuing use of excessive force by Minneapolis police officers. Accordingly, Plaintiff respectfully requests leave to submit the article for consideration in connection with the pending Motion to Dismiss. A copy of the article has already been provided to defense counsel.

Very truly yours,

s/Robert Bennett